

### **REMARKS**

The Office Action dated May 27, 2005 has been received and carefully noted. Applicants respectfully that the above amendments and following remarks are a full and complete response to the Office Action.

Claim 13 is amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter has been added. Thus, claims 1-4 and 7-14 are pending in the application, and are respectfully submitted for consideration.

The Office Action rejected claims 1, 8, 13 and 14 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, regarding claims 1, 8 and 14 the Office Action alleges that it is not clearly stated what is meant by "parameters" on line 7 of claim 1 (and presumably line 8 of claim 8 and line 6 of claim 14) and that "the specification does not explain to what the 'parameters' is referred."

Applicant submits that the feature is clearly defined and a discussion of parameters may be found in the specification, for example, on page 8, lines 4-5 and page 12, lines 7-9. Applicant submits that one skilled in the art would understand that a network control device controls parameters of an interface establishing device. As recited in claim 5, "said network control device controls parameters of said interface establishing device." Claim 15 recites "controlling parameters of said interface establishing device." Applicant submits that these recitations clearly define "parameters." Thus this feature is distinctly claimed and supported in the present application. Therefore, the Applicant submits that

one skilled in the art would know the parameters of the control device as disclosed in the present application.

Regarding claim 13, the Office Action stated that claim 13 is not clearly “addressed.” Applicant submits that claim 13 is amended to particularly point out and distinctly claim the subject matter of the invention. However, Applicant submits that the rejection of claim 13 set forth on page 2 of the Office Action is incomprehensible and confusing. Therefore, if the amendment to claim 13 does not overcome the rejection under 35 U.S.C. §112, second paragraph, Applicants request a new non-final Office Action.

Applicant respectfully submits that claims 1-4, 7 and 9-13 are definite and distinctly claims the subject matter of the invention. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

Claims 1-4, 7-10 and 13-14 were rejected under 35 U.S.C. §102(e) as allegedly being unpatentable over U.S. Patent No. 6,829,232 to Takeda et al. (Takeda). The Office Action took the position that Takeda taught all of the elements of these claims. This rejection is respectfully traversed.

Claim 1, upon which claims 2-4 and 7 are dependent, recites a network control device for controlling data transfer in a first network. The data transfer is supplied from a second network via a switch device adapted to control the second network and an interface establishing device connected between the switch device and a first network. The network control device controls the interface establishing device by using signaling

associated with the first network and controls parameters of the interface establishing device. The network control device loads control software for the interface establishing device via the first network into the interface establishing device.

Claim 8, upon which claims 9-12 are dependent, recites an interface establishing device for providing an interface between a first network and a second network. The interface establishing device is adapted to receive data from the second network by using signaling associated with the second network and to transmit the data to the first network by using signaling associated with the first network. The interface establishing device is configured to receive control software for the interface establishing device from the network control device via the first network.

Claim 13 recites a network system including a network control device for controlling data transfer in a first network, wherein the data transfer is supplied from a second network via a switch device adapted to control the second network and an interface establishing device connected between the switch device and the first network. Further the network control device controls the interface establishing device by using signalling associated with the first network wherein the network control device loads control software for the interface establishing device via the first network into the interface establishing device. The network system further includes the interface establishing device for providing an interface between the first network and the second network, wherein the interface establishing device is adapted to receive data from the second network by using signalling associated with the second network and to transmit

the data to the first network by using signalling associated with the first network. Further, the interface establishing device is configured to receive control software for the interface establishing device from the network control device via the first network.

Claim 14 recites a method for controlling a network system including a first network, a second network, an interface establishing device providing interface between the networks, and a switch device to which the interface establishing device is connected and which controls the second network. The method includes controlling the interface establishing device via the first network by using signaling associated with the first network, and controlling parameters of the interface establishing device. The method also includes controlling the switch device via the first network by using signaling associated with the second network. The method also includes loading control software for the interface establishing device from a network control device into the interface establishing device, if it is decided that an update is necessary.

As discussed in the specification, examples of the present invention enable software for a gateway to be loaded from the network control device into the gateway by using an IP network. By applying the network control device, a gateway between the first and second network may be easily installed. Less complex installation of new IP telephony interfaces, or gateways, between conventional switch devices and an IP network may reduce costs. A telecom operator is enabled to easily install new IP telephony interfaces, or gateways, between the conventional switch devices and the IP

network. Applicant respectfully submits that the cited reference fails to disclose or suggest all the elements of any of the presently pending claims.

Takeda relates to a communication method for terminals connected to IP networks to receive services provided by intelligent networks. Takeda discloses a network system including an IP network and a telephone network. As shown in Figure 1, both networks are connected via gateway (2a, 2b). The gateways are controlled by a server 3b such that the bandwidth is controlled (column 4 lines 45-50).

Applicant, however, submits that Takeda fails to disclose or suggest all of the features of any of the presently pending claims. For example, applicant submits that the cited references do not disclose or suggest the network control device controlling the interface establishing device by using signalling associated with the first network, and controlling parameters of the interface establishing device, as recited in claim 1 and similarly recited in claims 8, 13 and 14.

Instead, Takeda merely discloses that the signaling associated with the first network (IP network) is used for controlling the gateways (col. 6 lines 33-39). In addition, as stated above, the pending claims recite, “a network control device.” The Office Action cites the combination of the server 3b and the Service Control Gateway 1a as the network control device. Applicant submits that such an arrangement fails to provide the advantage of improved network performance if this function is divided among two elements.

Applicant further submits that Takeda fails to disclose or suggest the feature that the network control device loads control software for the interface establishing device via the first network into the interface establishing device, as recited in claim 1 and similarly recited in claims 8, 13 and 14.

For example, Takeda does not mention that the server 3 (part of alleged network control device) loads control software into the gateway (alleged interface establishing device). The cited portions of the Takeda merely disclose that the server 3 comprises a memory 42, in which programs and information for controlling the network (such as IP addresses) are stored (see column 7 lines 7-20 of Takeda). In contrast, as stated above, applicant's claim 1 recites “wherein said network control device loads control software for said interface establishing device via said first network into said interface establishing device.” Claim 8 recites “wherein said interface establishing device is configured to receive control software for said interface establishing device from a network control device via said first network and is configured such that parameters thereof are controlled by said network control device.” Claim 13 recites some of the features of claims 1 and 8, but is drawn to a network system. Claim 14 recites “controlling said interface establishing device via said first network by using signalling associated with said first network, and controlling parameters of said interface establishing device” and “loading control software for said interface establishing device from a network control device into said interface establishing device, if it is decided that an update is necessary.” At least

for the reasons given above, applicant respectfully submits that the cited references do not disclose or suggest at least these features of the independent claims.

Applicant respectfully submits that claims 2-4, 7-10 recite features that are not disclosed or suggested by Takeda at least for the reasons given above regarding claims 1 and 8 respectively, and also because the dependent claims recite additional patentable subject matter. Thus, Applicant submits that Takeda fails to disclose or suggest all the features of claims 1-4, 7-10 and 13-14. Applicant respectfully requests that the rejection of these claims under 35 U.S.C. §102(e) be withdrawn.

The Office Action rejected claims 11 and 12 under 35 U.S.C. §103(a) as being obvious over Takeda. The Office Action took the position that Takeda discloses all of the features of these claims except the feature of a switching device comprising a slot for connecting the interface establishing device. The Office Action appears to take Official Notice that it is well-known in the art that a switch has multiple ports or slots for connecting [to the] gateway. The Applicant submits that Takeda fails to disclose or suggests all of the features of any of the pending claims. Specifically, the Applicant traverses the Official Notice taken by the Examiner. Further, Applicant requests evidence from the Examiner that this feature is in fact well-known in the art at the time of the present invention.

The Applicant submits that Takeda is deficient at least for the reasons stated above regarding claim 8 because claims 11 and 12 depend from claim 8. Therefore, Takeda fails to disclose or suggest all of the features recited in claims 11 and 12. Accordingly,

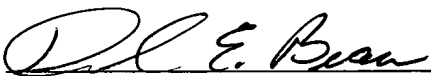
withdrawal of the rejection of these claims under 35 U.S.C. §103(a) is respectfully requested.

Applicant submits that each of claims 1-4 and 7-14 recites subject matter that is neither disclosed nor suggested by the cited references. Applicant therefore respectfully requests that all of claims 1-4 and 7-14 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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Enclosure: Fee Transmittal  
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